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19 ATTORNEYS FOR PLAINTIFF

20
21 IN THE UNITED STATES DISTRICT COURT
22 FOR THE EASTERN DISTRICT OF WASHINGTON

23 EQUAL EMPLOYMENT OPPORTUNITY
24 COMMISSION,

25 Plaintiff,

vs.

TINY'S ORGANIC, LLC,

Defendant.

CIVIL ACTION NO. _____

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex (pregnancy) and to provide appropriate relief to Maria Guillen, who was adversely affected by such practices. The Equal Employment Opportunity Commission alleges that Defendant, Tiny's Organic, LLC, terminated Ms. Guillen from employment because of sex, female, and pregnancy. Plaintiff seeks monetary relief, including pecuniary and nonpecuniary compensatory damages, and injunctive relief.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Washington.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the

1 "Commission"), is the agency of the United States of America charged with the
2 administration, interpretation and enforcement of Title VII, and is expressly
3 authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-
4 5(f)(1).
5

6 4. At all relevant times, Defendant, Tiny's Organic, LLC has
7 continuously been doing business in the State of Washington and has continuously
8 had at least 15 employees.
9

10 5. At all relevant times, Defendant has continuously been an employer
11 engaged in an industry affecting commerce within the meaning of Sections 701(b),
12 (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).
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15 STATEMENT OF CLAIMS
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17 6. More than thirty days prior to the institution of this lawsuit, Maria
18 Guillen filed a charge with the Commission alleging violations of Title VII by
19 Defendant. All conditions precedent to the institution of this lawsuit have been
20 fulfilled.
21

22 7. Since at least June 27, 2012, Defendant has engaged in unlawful
23 employment practices at its Wenatchee, Washington facility, in violation of
24 §703(a) of Title VII, 42 U.S.C. § 2000e-2(a). Specifically, the defendant
25 terminated Ms. Guillen from employment based upon sex and pregnancy.

1 8. Maria Guillen was first hired by Defendant on or about 2006 as a
2 packer and field worker. On or about June 2010 Defendant promoted Ms. Guillen
3 to a supervisory position. According to Defendant Ms. Guillen performed in this
4 position successfully. On June 18, 2012, Ms. Guillen reported to Defendant that
5 she was pregnant with twins. Defendant inquired whether Ms. Guillen was able to
6 continue working or whether she was under any medical restrictions due to her
7 pregnancy. Ms. Guillen reported to Defendant that she was able to work and was
8 not under any medical restrictions due to her pregnancy. Defendant knew that Ms.
9 Guillen had previously had healthy pregnancies and some miscarriages. Defendant
10 did not ask that Ms. Guillen provide any documentation concerning her ability to
11 work during her pregnancy, and Defendant at no time during Ms. Guillen's
12 employment possessed any such documentation. Ms. Guillen continued to perform
13 the duties of her job satisfactorily. Nine days later, on June 27, 2012, Ms. Guillen
14 was terminated from her employment by Defendant for allegedly failing to follow
15 the medical work restrictions placed on her from her physician due to her
16 pregnancy. Defendant made the decision to terminate Ms. Guillen on the basis of
17 her pregnancy.

18 9. The effect of the practices complained of in paragraphs 7 and 8 above
19 has been to deprive Ms. Guillen of equal employment opportunities and otherwise
20 adversely affect her status as an employee because of her sex and pregnancy.
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PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any other employment practice which discriminates on the basis of sex and pregnancy and retaliation.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Maria Guillen by providing appropriate back pay and front pay with interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant to make whole Maria Guillen by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 above, including past and future out-of-pocket losses, in amounts to be determined at trial.

Wherefore, the Commission respectfully requests that this Court:

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Maria Guillen by providing appropriate back pay and front pay with interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant to make whole Maria Guillen by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 above, including past and future out-of-pocket losses, in amounts to be determined at trial.

1 E. Order Defendant to make whole Maria Guillen by providing
2 compensation for past and future non-pecuniary losses resulting from the unlawful
3 practices complained of in paragraphs 7 above, including emotional pain,
4 suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to
5 be determined at trial.
6

7 F. Order Defendant to pay Maria Guillen punitive damages for its
8 malicious and reckless conduct, as described in paragraphs 7 above, in amounts to
9 be determined at trial.
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11 G. Grant such further relief as the Court deems necessary and proper in
12 the public interest.
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14 H. Award the Commission its costs of this action.
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JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 15th day of September, 2014.

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